

DATE FEE PAID 1-20-13
RECEIPT NO. 1099D
AMOUNT \$400.00



Case No. 201300426
11168

NOTICE OF APPEAL AND REQUEST FOR VARIANCE
OR SPECIAL USE EXCEPTION
COUNTY BOARD OF ADJUSTMENT OF SUSSEX COUNTY

Applicant THE HOME OF THE BRAVE, ~~FOR THE~~ Foundation, Inc. Phone 302-424-1681
Address 6733 GRIFFIN LK DR. MILFORD 19963
Owners Name THE HOME OF THE BRAVE FOR THE Phone 302-424-1681
Address 6632 SHARPS RD. MILFORD 19963
Agent/Attorney _____ Phone _____
Address N/A

Location: (N)(S)(E)(W) Road 433 (Griffith Lake Drive 440 (feet) (miles),
(N)(S)(E)(W) of Road 420 (Abbotts Pond Rd)

District No. 130 Map No. 2 Parcel No. 13-20
Subdivision N/A Lot No. 4/4 Zone Art
Hundred Cedar Creek Frontage N/A Depth N/A Acres 1.32

Request for a special use exception or variance from the provisions of:
Chapter 118 Article IV Subsection 115-23 Item C (4)
Date Property was acquired N/A
Plot Plan or drawing attached: Yes X NO

State specifically your request and the reason for this request.

SPECIAL USE: ESTABLISH A DEDICATED "WOMEN VETERANS' FACILITY"
MODELED AFTER SUCCESSFUL MALE VETERAN PROGRAM. HOME OF THE BRAVE
HAS 20 YEARS OF EXPERIENCE SUCCESSFULLY TRANSITIONING VETERANS OUT OF
HOMELESSNESS, WITH SUPPORT & INVESTMENT FROM PARTNERS THROUGHOUT
THE PENINSULA. FACILITY WILL HOUSE 6 WOMEN VETERANS AND THEIR
CHILDREN, IF THEY HAVE CUSTODY.

Amelia Boone
Signature of Applicant/Agent/Attorney

FOR BOARD USE ONLY:

Date of Notice _____ Date of Hearing MARCH 4, 2013
Date of Decision 3.4.13 Tabled to 3.18.13
Decision of the Board 4.1.13 Approval (3-2)

RW
Person Accepting Application

MINUTES OF MARCH 4, 2013

The regular meeting of the Sussex County Board of Adjustment was held on Monday, March 4, 2013, at 7:00 p.m. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman, Mr. Jeff Hudson, and Mr. Norman Rickard, with Mr. James Sharp – Assistant County Attorney, and staff members, Mr. Lawrence Lank – Planning & Zoning Director and Mrs. Jennifer Norwood – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda as circulated. Motion carried 5 – 0.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

PUBLIC HEARINGS

~~Case No. 11164 – Francis Clamer & Debbie Clamer – south of Road 358 (Sandy Cove Road) approximately 1,480 feet west of Road 357 (Cedar Neck Road). (Tax Map I.D. 1-34-9.00-413.00)~~

~~An application for a variance from the front yard, side yard, and rear yard setback requirement.~~

~~Mr. Lank presented the case. Debbie Clamer was sworn in and testified requesting a variance of 18 feet from the 30 feet front yard setback requirement, a variance of 4.2 feet from the 10 feet side yard setback requirement and a variance of 7.7 feet from the 10 feet rear yard setback requirement for a proposed dwelling. Ms. Clamer testified that the existing dwelling on the Property was relocated to the Property by the previous owner; that the existing dwelling is non-conforming and was built in the 1940s; that she plans to demolish the existing dwelling and replace it with a modular dwelling; that they plan to use the existing footers and foundation from the existing dwelling for the new dwelling; that the proposed dwelling would be larger on the east side of the Property; that the Property is irregular in shape and the Applicants are limited in what they can do with the lot; that a ten (10) feet water easement runs along the front property line; that the proposed location of the dwelling will keep the dwelling a safe distance from the road; that the Property is located adjacent to a curve in the road and drivers have driven into their yard; that the proposed steps and deck will be located on the east side of the Property; that the existing crawlspace will not remain; that the neighbors have all replaced manufactured homes with modular dwellings; that the variances will enable reasonable use of the Property; that the variances will not alter the character of the neighborhood; that the use will not be detrimental to public welfare; and that the proposed dwelling will be twenty-six (26) feet wide.~~

Case No. 11168 – The Home of the Brave Foundation, Inc. – east of Road 633 (Griffith Lake Drive) approximately 440 feet north of Road 620 (Abbotts Pond Road). (Tax Map I.D. 1-30-2.00-13.20)

An application for a special use exception for a women's veteran facility.

Mr. Lank read an email received by the Office of Planning & Zoning into the record which opposed the Application.

Mr. Lank presented the case. Linda Boone, Chair of the Board of Directors of the Home of the Brave Foundation was sworn in and testified requesting a special use exception for a women's veteran facility. Ms. Boone testified that the Home of the Brave has serviced the area since 1992; that female veterans make up five percent (5%) of the nation's homeless veterans; that residents of Home of the Brave must meet certain qualifications in order to reside in the shelter; that the qualifications include: that the resident be honorably discharged from the military, that the veteran must meet the homeless standard, that the veteran must be open to living in a group environment; that residents are admitted as space is made available; that one in five female veterans experience Military Sexual Trauma; that one in five female veterans suffer from Post-Traumatic Stress Disorder, which leads to increased substance abuse and homelessness; that one in five of post-September 11 female veterans are unemployed; that the Home of the Brave is a nonprofit organization founded by eight Vietnam combat veterans; that the average stay at the Home of the Brave is approximately six (6) to nine (9) months; that the maximum stay is twenty four (24); that the average age of the veterans participating in the program has been from 51 to 61 years of age; that the majority of the veterans coming to the program has been due to economic situations; that veterans have to be clean and sober for a minimum of thirty (30) days before they can apply for admission to the program; that the goal is to discharge the veterans to permanent housing and to eliminate the barriers which led them to homelessness; that veterans sign a contract when entering the program and agree to and must follow the rules in order to stay in the program; that residents who fail to follow the rules are discharged from the facility; that they currently have a sixty seven percent (67%) success rate; that case plans are developed for each resident; that the Home of the Brave is a transitional living facility, not a shelter; that the majority of the residents are Delaware residents; that twelve (12) of the fifteen (15) residents at the Applicant's other location are Delaware residents; that residents are regularly drug tested; that they do not accept any applicants, with potential or high probability of criminal activity; that the facility will have staff coverage 24 hours a day, 7 days a week; that the residents are required to adhere to curfew schedules, signing in and out, performing assigned daily chores, and working on individual plans to move them to independent living; that the facility would not lead to a drop in property values of adjacent properties; that the proposed location has been vacant for over a year and has not been maintained; that the Home of the Brave has high standards for appearance and maintenance of their properties; that some repairs and renovations have already been made to the home; that once they obtain approval from the Board a plan for major renovations will be implemented which will include the construction of a larger septic system, a fire safety system, a new water heater, landscape improvements, and bathroom renovation; that there is no empirical evidence that supports a theory that property values will be decreased; that a recent study from Dr. Kevin Gillen from the

University of Pennsylvania showed that in two-thirds of the cases the impact of subsidized housing in Delaware was neutral or positive because of the design of the house and its management of the facility; that a study in Philadelphia showed that property values increased by 6.8% when a well-run homeless facility was in the neighborhood; that financial audits have met and often exceeded national nonprofit benchmarks; that the Board of Directors meets monthly to review the management of the facility and its finances; that in 2012 they had over 250 cash contributors and an additional 300 supporters who donated food and housing items; that there will not be a roadside sign on the Property, only a sign on the front door noting visitors need an appointment; that they are trying to limit visitor access and will require that visitors made an appointment; that the visitor policy will differ from the Applicant's other location on Sharps Road; that all donations will be accepted at the Sharps Road location; that they will provide contact numbers for the neighbors to report concerns and ask questions; that they welcome a neighborhood representative to be a part of the Women's Program Advisory Committee which provides advice to the Board of Directors; that most residents need help finding employment; that residents are transported to appointments and for shopping by the Applicant via the Applicant's van; that collocating genders is not permitted by the Veterans Association; that a maximum of six (6) adult women will stay at the home; that the staff is familiar with dealing with children; that the Applicant wants to review how many children would be able to live in residence and what services would be provided to those children; that the number of children is unknown at this time; that large activities will not be held at this location; and that the facility on Sharps Road has been open since May 1996 and there have been no problems.

Ms. Boone submitted a packet of exhibits regarding the Application to the Board.

Mike Rowe was sworn in and testified in support of the Application. Mr. Rowe testified that he works for People's Place and is the program director for the veteran's outreach program; that the proposal will help homeless veteran women and their children; that most homeless female veterans are homeless due to their economic situation; that the Applicant helps individuals get back on their feet; that women veterans have more trouble finding housing and jobs; that People's Place provides transportation for the veterans; that female veterans may have been victim of Military Sexual Trauma and that the Applicant provides those veterans with the help they need to improve their lives, not just a place to stay; and that fire and police services would serve the residence in the same way as if the house was used as a single family residence.

Robert Clauser was sworn in and testified in support of the Application. Mr. Clauser testified that he serves as a commissioner for the Delaware Department of Veteran's Affairs; that this Property has been vacant and in need of serious repair; that after inspecting the site and realizing the number of bedrooms available it was decided to be an ideal location for the Home of the Brave; that the house has five (5) bedrooms and 4 ½ bathrooms; that our veterans are sent to war and come home to no support; that urban areas do not work for this type of facility; that there are no services to help the veterans in the urban area; and that someone just built a house across the street from the other Home of the Brave location for \$750,000.00.

Albert Weir was sworn in and testified in support of the Application. Mr. Weir testified that he is with the State Commission of Veteran Affairs, and that the veteran organizations support this Application.

Mark Gaglione, Amanda Gaglione, and David Murphy were sworn in to testify in opposition to the Application. Tim Willard, Esquire, appeared on their behalf and stated that his clients are opposed to the location of the facility; that the use will substantially adversely affect the neighboring and adjacent properties; that the neighbors are concerned about the vagueness of the Application; that the neighbors are concerned about the effect of including children in the facility; that the Applicant has presented that residents will receive outpatient care from the Department of Veteran's Affairs; that a transitional home is not clearly defined in the Planning & Zoning Ordinance; that the Application has been submitted as a special use exception for a convalescent home; that this use is not a convalescent home because there is no regular nursing care being provided on the Property; that a similar application was granted in the Bridgeville area where children would also be residing but there were major differences in that application from this Application; that the Bridgeville home was located on a large piece of property just outside the town of Bridgeville; that the home was located a good distance from the road and that permanent and full-time nursing staff would be located on site; that there is no evidence to the age of the children that may stay at the home with their mothers; that there is a big difference to a transitional home when children are involved; that the proposed location is in a tightly knit residential neighborhood several miles outside of Milford; that the email read at the beginning of the hearing well-articulated concerns of neighbors; that fire and police services are located miles away from the residence; that there is no public transportation in the area; that the opposition feels the transitional home should be located within town limits; that there would be more services available in a town setting; that the increased number of people living in the home will increase the traffic, trash, septic and well use; that there is a potential of six (6) families living on a property designed for single-family residence; that most transitional homes in this region are located in or near town centers; that property values in the area will decrease due to the location of the proposed transitional housing; that he does not have any evidence to support the claim that the property values will decrease; and that it is difficult to prove substantial adverse affect to the neighborhood when it hasn't happened yet.

Mr. Willard presented to the Board a packet of exhibits and a petition of sixty six (66) individuals who oppose the Application.

Amanda Gaglione testified that she supports the cause and has veteran family members; that she and her husband purchased property in this area for a quiet place to live and raise their children; that her children like to play outside and she has concerns the home will bring more strangers to the area; that her children have expressed concerns about the home as well; that there is no sidewalk in the area and it could create some safety concerns; that it was stated that women could not collocate on the Sharp Road property with the men, which concerns her because she has three (3) sons; that there are other homes in the Milford area she feels are much better suited for this use; that the other homes are in town and also near parks; that she spoke with a realtor who told her that property values will decrease due to the placement of the transitional facility; that the effect to property values can be determined since most transitional homes are in an urban area and not near a neighborhood like hers; that she has concerns about increased traffic; that her home is right next door to the facility; that she has four (4) bedrooms in her house; that the Applicant's property foreclosed on and sat vacant for some time; that her husband and other neighbor mowed the lawn; that some areas of the Applicant's dwelling was in disrepair from the

prior owner; that the dwelling has private water and septic and is concerned how this will affect her well and septic; that she does not know if she shares an aquifer with the Property; and that she confirmed the statements by Mr. Willard.

David Murphy testified that he lives across the street from the proposed veterans home; that the use will alter the character of the quiet country atmosphere; that there will be increased traffic to the area due to the facility; that the density of the home from a single-family to a multi-family use concerns him; that there are no businesses located near the Property; that he wants to know who will supervise the children and what credentials the staff have; that he is concerned about unsupervised children being on his property; that there are many questions about the facility which have not been answered; that lights from vehicles moving in and out of the Property flash into his bedroom; that there is nothing in the neighborhood for the children; that he feels the home should be within walking distance of schools, parks, stores and hospitals; that he is a former code enforcement officer; that he has experienced with homeless shelters that have overcrowding problems; that the existence of the veteran's home will dissuade potential purchasers from buying neighboring properties; that he would still object to the Application even if children were not allowed to live on the Property; that he has concerns about the effect of the facility on septic and well; that the Fire Marshal will require major renovations to the structure if this Application was approved; and that he feels the use will substantially adversely affect the neighboring and adjacent properties.

Mark Gaglione testified that he is opposed to a shelter for both adults and children; that he has not found any neighbors that support this Application; that he agrees with his neighbors as to the reasons he opposes the Application; that a common sense approach dictates the affect a shelter will have for property values; that he feels it is easy to support a shelter when it is not in your neighborhood; that he lives fifty (50) feet from the proposed facility; and that he is a veteran.

Vernon Hood and Janna Hood were sworn in and testified in opposition to the Application. Janna Hood testified that they own the property adjacent to the proposed shelter; that she is concerned about the effect of a larger septic system being placed on the Property because it would require a distance of 100 feet from neighboring wells; and that the lots are only 150 feet wide.

Vernon Hood testified that he designs septic systems and feels the Property is not large enough to support a septic system needed for that amount of people; that the septic will need to be 150 feet from the well.

Janna Hood testified that DNREC approves systems based on the number of bedrooms.

Vernon Hood testified that the location is very different from the Sharps Road location and the neighborhood is very different; and that they feel this is the wrong location for the shelter.

Tim Willard submitted proposed Finding of Facts for denying the Application.

Karen Temple was sworn in and testified in opposition to the Application and stated that she volunteers at a homeless shelter in Dover; that a 67% success rate is not successful; that she is concerned for the veterans that are not successful; that where will the veterans go that do not successfully follow the rules; that she questions whether there are enough women veterans who are homeless to fill the facility; and that helping veterans does not make it a higher quality shelter.

Dorothy Doneker was sworn in and testified in opposition to the Application and stated that she lives nearby; that she is concerned for the veterans with addictions and the possible increase in crime to the area; that her son is an addict; that addicts with the best intentions still have trouble overcoming their addictions; that they will steal from their own families; and that this is not a good area for this shelter.

In rebuttal, James Stolvey was sworn in and testified in support of the Application and testified that he is the contractor for the Applicant; that the existing septic system is non-conforming; that the septic can be replaced in the same area as the existing septic and will not encroach on the neighbor's well; that he questions how Mr. Murphy could be receiving lights from vehicles in his bedroom when the house has been vacant for over a year; that he has no objection to Home of the Brave residents and would welcome them to his neighborhood; that the only construction done at this point has been work needed for the sale of the home in the event the shelter is denied; and that he does not see how the use will substantially adversely affect the uses of neighboring and adjacent properties.

In rebuttal, Linda Boone, stated that their investors, Department of Veteran Affairs and Housing and Urban Development monitor the facilities; that they would not receive grants if they house more veterans than approved for; that residents failing drug tests are relocated rather than put out on the street; and that they were aware a special use exception approval was needed prior to the purchase of the Property.

The Board found that twenty six (26) parties appeared in support of the Application.

The Board found that twenty six (26) parties appeared in opposition to the Application.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the case be **tabled until March 18, 2013**. Motion carried 5 – 0.

The vote by roll call; Mr. Workman – yea, Mr. Rickard – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11169 – Chris Tawa – east of Texas Avenue 200 feet southeast of Bay Shore Drive. (Tax Map I.D. 2-35-3.12-81.00)

An application for a variance from the rear yard setback requirement.

Mr. Lank presented the case. Chris Tawa and Laurie Bronstein were sworn in and testified requesting a variance of 5 feet from the 10 feet rear yard setback requirement for an

MINUTES OF APRIL 1, 2013

The regular meeting of the Sussex County Board of Adjustment was held on Monday, April 1, 2013, at 7:00 p.m. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman, Mr. Jeff Hudson, and Mr. Norman Rickard, with Mr. James Sharp – Assistant County Attorney, and staff members, Mr. Lawrence Lank – Planning & Zoning Director, Ms. Melissa Thibodeau – Zoning Inspector II, and Mrs. Jennifer Norwood – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously to approve the Revised Agenda, with Case No. 11184 – CMF Bayside, LLC being withdrawn. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of March 4, 2013 as circulated. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Findings of Fact for March 4, 2013. Motion carried 5 – 0.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

PUBLIC HEARINGS

~~Case No. 11178 – Album, LLC c/o Robert Minutoli – southeast intersection of U.S. Route 113 (DuPont Boulevard) and Road 321 (Woodbranch Road) southwest intersection of Road 325 (Alm's House Road) and Road 326 (Bethesda Road). (Tax Map I.D. 1-33-2.00-22.00, 23.00, 24.00, & 24.01)~~

~~An application for a special use exception for promotional activities as accessory uses to a speedway for a period of five (5) years.~~

~~Mr. Lank presented the case and stated that the Office of Planning & Zoning did not receive any correspondence in reference to this case. Lewis Johnson was sworn in to testify about the Application.~~

~~James Fuqua, Esquire, presented the case to the Board on behalf of the Applicant and stated that the Applicant is requesting a special use exception for promotional activities for a period of five (5) years, that the Georgetown Speedway was built in 1949 and is located next to Route 113; that the Property is used for racing in the spring and summer months; that other than auto racing, the Property is used for non-profit community events such as tractor shows, rodeos, and carnivals; that these community events are sporadic in nature; that this use was granted approval of a special use exception in 1989 and again in 2003; that the current owner was not~~

Case No. 11168 – The Home of The Brave Foundation, Inc. – east of Road 633 (Griffith Lake Drive) approximately 440 feet north of Road 620 (Abbotts Pond Road). (Tax Map I.D. 1-30-2.00-13.20)

An application for a special use exception for women veterans' facility.

The Board discussed this case which has been tabled since April 1, 2013.

Mr. Sharp stated that any correspondence the Planning & Zoning Office received after the public hearing cannot be considered by the Board in its deliberation and that the decision is to be based on the public record only.

Mr. Rickard stated that the Property has been in disrepair; that the Applicant has made improvements to the Property such as work to the interior of the residence and landscaping improvements; that there are rules in place to hold the residents accountable; that the veterans will have supervision seven (7) days a week, 24 hours a day; that the veterans are subjected to random drug testing during their stay; that there is no other like facility to compare this use to and it differs from a shelter; that the use will not have a substantial adverse effect to the neighborhood; that there is no evidence that property values will be affected; and that he feels that the opposition's request to seek another location is discriminatory. For these reasons, Mr. Rickard stated that he seeks to approve the Application.

Mr. Mills stated that he disagrees with Mr. Rickard; that the Applicant has failed to demonstrate how the use will not substantially adversely affect the neighborhood; that a five (5) bedroom dwelling is not sufficient for six (6) adults and children; that there was no professional testimony submitted from a realtor or appraiser to show there will be no impact to property values; that a septic designer testified the negative impact a septic system needed for this capacity would have to neighboring wells; that he gives more weight to the septic designer's testimony than the testimony provided by the Applicant's contractor regarding the septic system; and that transportation for unscheduled activities has not been addressed.

Mr. Rickard stated that the emergency response time is the same for the neighbors and he does not think that is a valid concern; and that the proposed use will not substantially affect adversely the uses of neighboring and adjacent properties.

Mr. Lank noted that the Property is zoned Agricultural Residential and is not a planned residential community.

Mr. Hudson stated that transitional housing is a means of giving the women acclimation into a residential setting; that the house was in disrepair; that everyone that moves into a neighborhood is a stranger; that there is no control over who may move in next door if the dwelling were purchased by a private citizen; that he does feel that there should be a limit on the number of children permitted to reside in the home; that the women applying to reside in the facility must meet certain criteria; that the Applicant has twenty (20) years of experience in helping the veterans; and that he would support approval of the Application with restrictions.

Mr. Workman stated that he does not feel the Applicant has met the standards for granting a special use exception; that the number of children possible was never addressed; that he is concerned with how the monitoring is going to be conducted and enforced; that there are not enough bedrooms available for this use; that there are sixteen (16) residential lots in the area, which is a neighborhood in his opinion; and that there is no proof that this use will not substantially adversely affect the neighborhood.

Mr. Rickard stated that the Board could approve the use for a period of two (2) years.

The Board discussed the possibility of placing restrictions on the approval of the Application.

Mr. Hudson stated that he would move that the Board recommend approval of Special Use Exception Application No. 11168 for the requested special use exception based on the record made at the public hearing because the use does not substantially affect adversely the uses of the adjacent and neighboring properties. As part of his Motion, Mr. Hudson moved that the following conditions be placed on the approval:

- a. The approval is granted for a period of two (2) years.
- b. No more than six (6) adult female veterans and no more than eight (8) total persons, not including staff members, may reside in the dwelling at any given time.

Mr. Hudson gave the following reasons for his Motion:

1. The Applicant has a history of providing home for veterans that will not substantially affect adversely the uses of neighboring and adjacent properties.
2. The proposed housing is designed for residential use in a residential area.
3. The existing dwelling has been unoccupied for over a year and fell into disrepair. The Applicant has taken steps to make improvements to the dwelling and intends to maintain the exterior of the property which will improve the area.
4. The Applicant referenced a study which evidences that the proposed housing will have a neutral or positive effect on housing prices in the neighborhood.
5. Opposition to the Application did not present any evidence from a realtor or appraiser as to substantial adverse effect to real estate values
6. The proposal does not appear to have an adverse effect on traffic in the area.
7. The Applicant has testified that visitor access to the site will be limited and that residents will be transported by a van for their appointments and daily living.
8. The Applicant's contractor testified that improvements have been made to the dwelling and the septic system would be placed in the same location as the existing septic system.
9. No signage will be located outside the Property to note its usage.
10. The residents of the home will be required to follow certain rules and regulations and will be discharged from the home if they fail to adhere to those rules.
11. The home will house a maximum of six (6) adult female veterans and no more than eight (8) total persons not including staff members.

Motion by Mr. Hudson, seconded by Mr. Rickard, and carried that the special use exception be **granted for the reasons stated and for a period of two (2) years and with the condition that no more than six (6) adult female veterans and no more than eight (8) total persons, not including staff members, may reside in the dwelling at any given time.** Motion carried 3 – 2.

The vote by roll call: Mr. Mills – nay, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – nay, and Mr. Callaway – yea.

Meeting Adjourned 10:45 p.m.

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: THE HOME OF THE BRAVE FOUNDATION, INC.

(Case No. 11168)

A hearing was held after due notice on March 4, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception for a women's veteran facility.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for a women's veteran facility. This application pertains to certain real property located east of Road 633 (Griffith Lake Drive) approximately 440 feet north of Road 620 (Abbotts Pond Road); said property being identified as Sussex County Tax Map Parcel Number 1-30-2.00-13.20. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received an email in opposition to the Application.
2. Linda Boone, Chair of the Board of Directors of the Home of the Brave Foundation, Inc., was sworn in to testify on behalf of the Application.
3. The Board found that Ms. Boone testified that the Home of the Brave has serviced the area since 1992.
4. The Board found that Ms. Boone testified that female veterans make up five percent (5%) of the nation's homeless veterans.
5. The Board found that Ms. Boone testified that residents of Home of the Brave must meet certain qualifications in order to reside in the shelter including: that the resident be honorably discharged from the military, that the veteran must meet the homeless standard, and that the veteran must be open to living in a group environment.
6. The Board found that Ms. Boone testified that residents are admitted as space is made available.
7. The Board found that Ms. Boone testified that one in five female veterans experience Military Sexual Trauma and that one in five female veterans suffer from Post-Traumatic Stress Disorder, which leads to increased substance abuse and homelessness.
8. The Board found that Ms. Boone testified that one in five of post-September 11 female veterans are unemployed.

9. The Board found that Ms. Boone testified that the Home of the Brave is a nonprofit organization founded by eight Vietnam combat veterans.
10. The Board found that Ms. Boone testified that the average stay at the Home of the Brave is approximately six (6) to nine (9) months and that the maximum stay is twenty four (24) months.
11. The Board found that Ms. Boone testified that the average age of the veterans participating in the program has been from 51 to 61 years of age.
12. The Board found that Ms. Boone testified that the majority of the veterans coming to the program have been due to economic situations.
13. The Board found that Ms. Boone testified that veterans have to be clean and sober for a minimum of thirty (30) days before they can apply for admission to the program.
14. The Board found that Ms. Boone testified that the goal is to discharge the veterans to permanent housing and to eliminate the barriers which led them to homelessness.
15. The Board found that Ms. Boone testified that veterans sign a contract when entering the program and agree to and must follow the rules in order to stay in the program.
16. The Board found that Ms. Boone testified that residents who fail to follow the rules are discharged from the facility.
17. The Board found that Ms. Boone testified that they currently have a sixty seven percent (67%) success rate.
18. The Board found that Ms. Boone testified that case plans are developed for each resident.
19. The Board found that Ms. Boone testified that the Home of the Brave is a transitional living facility and is not a shelter.
20. The Board found that Ms. Boone testified that the majority of the residents are Delaware residents and that twelve (12) of the fifteen (15) residents at the Applicant's other location are Delaware residents.
21. The Board found that Ms. Boone testified that residents are regularly drug tested and that they do not accept any applicants with potential or high probability of criminal activity.
22. The Board found that Ms. Boone testified that the facility will have staff coverage 24 hours a day, 7 days a week.
23. The Board found that Ms. Boone testified that the residents are required to adhere to curfew schedules, signing in and out, performing assigned daily chores, and working on individual plans to move them to independent living.
24. The Board found that Ms. Boone testified that the facility would not lead to a drop in property values of adjacent properties.

25. The Board found that Ms. Boone testified that the proposed location has been vacant for over a year and has not been maintained.
26. The Board found that Ms. Boone testified that the Home of the Brave has high standards for appearance and maintenance of their properties and that some repairs and renovations have already been made to the home.
27. The Board found that Ms. Boone testified that, once they obtain approval from the Board, a plan for major renovations will be implemented which will include the construction of a larger septic system, a fire safety system, a new water heater, landscape improvements, and bathroom renovation.
28. The Board found that Ms. Boone testified that there is no empirical evidence that supports a theory that property values will be decreased.
29. The Board found that Ms. Boone testified that a recent study from Dr. Kevin Gillen from the University of Pennsylvania showed that in two-thirds of the cases the impact of subsidized housing in Delaware was neutral or positive because of the design of the house and its management of the facility.
30. The Board found that Ms. Boone testified that a study in Philadelphia showed that property values increased by 6.8% when a well-run homeless facility was in the neighborhood.
31. The Board found that Ms. Boone testified that financial audits have met and often exceeded national nonprofit benchmarks.
32. The Board found that Ms. Boone testified that the Board of Directors meets monthly to review the management of the facility and its finances and that in 2012 they had over 250 cash contributors and an additional 300 supporters who donated food and housing items.
33. The Board found that Ms. Boone testified that there will not be a roadside sign on the Property and there will be a sign on the front door noting visitors need an appointment.
34. The Board found that Ms. Boone testified that they are trying to limit visitor access and will require that visitors made an appointment.
35. The Board found that Ms. Boone testified that the visitor policy will differ from the Applicant's other location on Sharps Road.
36. The Board found that Ms. Boone testified that all donations will be accepted at the Sharps Road location.
37. The Board found that Ms. Boone testified that they will provide contact numbers for the neighbors to report concerns and ask questions and that they welcome a neighborhood representative to be a part of the Women's Program Advisory Committee which provides advice to the Board of Directors.
38. The Board found that Ms. Boone testified that most residents need help finding employment.

39. The Board found that Ms. Boone testified that residents are transported to appointments and for shopping by the Applicant via the Applicant's van.
40. The Board found that Ms. Boone testified that collocating genders is not permitted by the Veterans Association.
41. The Board found that Ms. Boone testified that a maximum of six (6) adult women will stay at the home and that the staff is familiar with dealing with children.
42. The Board found that Ms. Boone testified that the Applicant wants to review how many children would be able to live in residence and what services would be provided to those children.
43. The Board found that Ms. Boone testified that the number of children is unknown at this time.
44. The Board found that Ms. Boone testified that large activities will not be held at this location.
45. The Board found that Ms. Boone testified that the facility on Sharps Road has been open since May 1996 and there have been no problems.
46. The Board found that Ms. Boone submitted a packet of exhibits regarding the Application to the Board.
47. The Board found that Mike Rowe was sworn in and testified in support of the Application.
48. The Board found that Mr. Rowe testified that he works for People's Place and is the program director for the veteran's outreach program.
49. The Board found that Mr. Rowe testified that the proposal will help homeless veteran women and their children.
50. The Board found that Mr. Rowe testified that most homeless female veterans are homeless due to their economic situation and that the Applicant helps individuals get back on their feet.
51. The Board found that Mr. Rowe testified that women veterans have more trouble finding housing and jobs.
52. The Board found that Mr. Rowe testified that People's Place provides transportation for the veterans.
53. The Board found that Mr. Rowe testified that female veterans may have been victim of Military Sexual Trauma and that the Applicant provides those veterans with the help they need to improve their lives and not just a place to stay.
54. The Board found that Mr. Rowe testified that fire and police services would serve the residence in the same way as if the house was used as a single family residence.
55. The Board found that Robert Clauser was sworn in and testified in support of the Application.
56. The Board found that Mr. Clauser testified that he serves as a commissioner for the Delaware Department of Veteran's Affairs.

57. The Board found that Mr. Clauser testified that this Property has been vacant and in need of serious repair.
58. The Board found that Mr. Clauser testified that after inspecting the site and realizing the number of bedrooms available it was decided to be an ideal location for the Home of the Brave as the house has five (5) bedrooms and 4 ½ bathrooms.
59. The Board found that Mr. Clauser testified that our veterans are sent to war and come home to no support.
60. The Board found that Mr. Clauser testified that urban areas do not work for this type of facility and that there are no services to help the veterans in the urban area.
61. The Board found that Mr. Clauser testified that someone just built a house across the street from the other Home of the Brave location for \$750,000.00.
62. The Board found that Albert Weir was sworn in and testified in support of the Application.
63. The Board found that Mr. Weir testified that he is with the State Commission of Veteran Affairs and that the veteran organizations support this Application.
64. The Board found that Mark Gaglione, Amanda Gaglione, and David Murphy were sworn in to testify in opposition to the Application. Tim Willard, Esquire, appeared on behalf of Mark Gaglione, Amanda Gaglione, and David Murphy.
65. The Board found that Mr. Willard stated that his clients are opposed to the location of the facility and that the use will substantially adversely affect the neighboring and adjacent properties.
66. The Board found that Mr. Willard stated that the neighbors are concerned about the vagueness of the Application and about the effect of including children in the facility.
67. The Board found that Mr. Willard stated that the Applicant has presented that residents will receive outpatient care from the Department of Veteran's Affairs.
68. The Board found that Mr. Willard stated that a transitional home is not clearly defined in the Planning & Zoning Ordinance and that the Application has been submitted as a special use exception for a convalescent home but this use is not a convalescent home because there is no regular nursing care being provided on the Property.
69. The Board found that Mr. Willard stated that a similar application was granted in the Bridgeville area where children would also be residing but there were major differences between that application and this Application.
70. The Board found that Mr. Willard stated that the Bridgeville home was located on a large piece of property just outside the town of Bridgeville, that the home was located a good distance from the road and that permanent and full-time nursing staff would be located on site.

71. The Board found that Mr. Willard stated that there is no evidence to the age of the children that may stay at the home with their mothers.
72. The Board found that Mr. Willard stated that there is a big difference to a transitional home when children are involved.
73. The Board found that Mr. Willard stated that the proposed location is in a tightly knit residential neighborhood several miles outside of Milford.
74. The Board found that Mr. Willard stated that the email read at the beginning of the hearing well-articulated concerns of neighbors.
75. The Board found that Mr. Willard stated that fire and police services are located miles away from the residence and that there is no public transportation in the area.
76. The Board found that Mr. Willard stated that the opposition feels the transitional home should be located within town limits and that there would be more services available in a town setting.
77. The Board found that Mr. Willard stated that the increased number of people living in the home will increase the traffic, trash, and septic and well use.
78. The Board found that Mr. Willard stated that there is a potential of six (6) families living on a property designed for single-family residence.
79. The Board found that Mr. Willard stated that most transitional homes in this region are located in or near town centers.
80. The Board found that Mr. Willard stated that property values in the area will decrease due to the location of the proposed transitional housing.
81. The Board found that Mr. Willard stated that he does not have any evidence to support the claim that the property values will decrease.
82. The Board found that Mr. Willard stated that it is difficult to prove substantial adverse effect to the neighborhood when it hasn't happened yet.
83. The Board found that Mr. Willard presented to the Board a packet of exhibits and a petition of sixty six (66) individuals who oppose the Application.
84. The Board found that Ms. Gaglione testified that she supports the cause and has veteran family members.
85. The Board found that Ms. Gaglione testified that she and her husband purchased property in this area for a quiet place to live and raise their children.
86. The Board found that Ms. Gaglione testified that her children like to play outside and she has concerns the home will bring more strangers to the area.
87. The Board found that Ms. Gaglione testified that her children have expressed concerns about the home as well.
88. The Board found that Ms. Gaglione testified that there is no sidewalk in the area and it could create some safety concerns.

89. The Board found that Ms. Gaglione testified that it was stated that women could not collocate on the Sharp Road property with the men, which concerns her because she has three (3) sons.
90. The Board found that Ms. Gaglione testified that there are other homes in the Milford area she feels are much better suited for this use.
91. The Board found that Ms. Gaglione testified that the other homes are in town and also near parks.
92. The Board found that Ms. Gaglione testified that she spoke with a realtor who told her that property values will decrease due to the placement of the transitional facility.
93. The Board found that Ms. Gaglione testified that the effect to property values can be determined since most transitional homes are in an urban area and not near a neighborhood like hers.
94. The Board found that Ms. Gaglione testified that she has concerns about increased traffic.
95. The Board found that Ms. Gaglione testified that her home is right next door to the facility.
96. The Board found that Ms. Gaglione testified that she has four (4) bedrooms in her house.
97. The Board found that Ms. Gaglione testified that the Applicant's property foreclosed on and sat vacant for some time and that her husband and other neighbor mowed the lawn on the Property.
98. The Board found that Ms. Gaglione testified that some areas of the Applicant's dwelling were in disrepair from the prior owner.
99. The Board found that Ms. Gaglione testified that the dwelling has private water and septic and is concerned how this facility will affect her well and septic.
100. The Board found that Ms. Gaglione testified that she does not know if she shares an aquifer with the Property.
101. The Board found that Ms. Gaglione confirmed the statements by Mr. Willard.
102. The Board found that Mr. Murphy testified that he lives across the street from the proposed veterans' home and that the use will alter the character of the quiet country atmosphere.
103. The Board found that Mr. Murphy testified that there will be increased traffic to the area due to the facility and that the density of the home from a single-family to a multi-family use concerns him.
104. The Board found that Mr. Murphy testified that there are no businesses located near the Property.
105. The Board found that Mr. Murphy testified that he wants to know who will supervise the children and what credentials the staff possess.

106. The Board found that Mr. Murphy testified that he is concerned about unsupervised children being on his property.
107. The Board found that Mr. Murphy testified that there are many questions about the facility which have not been answered.
108. The Board found that Mr. Murphy testified that lights from vehicles moving in and out of the Property flash into his bedroom.
109. The Board found that Mr. Murphy testified that there is nothing in the neighborhood for the children.
110. The Board found that Mr. Murphy testified that he feels the home should be within walking distance of schools, parks, stores and hospitals.
111. The Board found that Mr. Murphy testified that he is a former code enforcement officer and that he has experience with homeless shelters that have overcrowding problems.
112. The Board found that Mr. Murphy testified that the existence of the veteran's home will dissuade potential purchasers from buying neighboring properties.
113. The Board found that Mr. Murphy testified that he would still object to the Application even if children were not allowed to live on the Property.
114. The Board found that Mr. Murphy testified that he has concerns about the effect of the facility on septic and well systems.
115. The Board found that Mr. Murphy testified that the Fire Marshal will require major renovations to the structure if this Application was approved.
116. The Board found that Mr. Murphy testified that he feels the use will substantially adversely affect the neighboring and adjacent properties.
117. The Board found that Mr. Gaglione testified that he is opposed to a shelter for both adults and children and that he has not found any neighbors that support this Application.
118. The Board found that Mr. Gaglione testified that he agrees with his neighbors as to the reasons he opposes the Application.
119. The Board found that Mr. Gaglione testified that a common sense approach dictates the affect a shelter will have for property values.
120. The Board found that Mr. Gaglione testified that he feels it is easy to support a shelter when it is not in your neighborhood but that he lives fifty (50) feet from the proposed facility.
121. The Board found that Mr. Gaglione testified that he is a veteran.
122. The Board found that Vernon Hood and Janna Hood were sworn in and testified in opposition to the Application.
123. The Board found that Janna Hood testified that they own the property adjacent to the proposed shelter and that she is concerned about the effect of a larger septic system being placed on the Property because it would require a distance of 100 feet from neighboring wells and that the lots are only 150 feet wide.

124. The Board found that Vernon Hood testified that he designs septic systems and feels the Property is not large enough to support a septic system needed for that amount of people and that the septic will need to be 150 feet from the well.
125. The Board found that Janna Hood testified that the Department of Natural Resources and Environmental Control approves systems based on the number of bedrooms.
126. The Board found that Vernon Hood testified that the location is very different from the Sharps Road location and the neighborhood is very different and that he feels this is the wrong location for the shelter.
127. The Board found that Karen Temple was sworn in and testified in opposition to the Application.
128. The Board found that Ms. Temple testified that she volunteers at a homeless shelter in Dover and that a 67% success rate is not successful.
129. The Board found that Ms. Temple testified that that she is concerned about the veterans that are not successful.
130. The Board found that Ms. Temple questioned where will the veterans go that do not successfully follow the rules.
131. The Board found that Ms. Temple testified that she questions whether there are enough women veterans who are homeless to fill the facility and that helping veterans does not make it a higher quality shelter.
132. The Board found that Dorothy Doneker was sworn in and testified in opposition to the Application.
133. The Board found that Ms. Doneker testified that she lives nearby and that she is concerned for the veterans with addictions and the possible increase in crime to the area.
134. The Board found that Ms. Doneker testified that her son is an addict and that addicts with the best intentions still have trouble overcoming their addictions.
135. The Board found that Ms. Doneker testified that addicts will steal from their own families.
136. The Board found that Ms. Doneker testified that this location is not a good area for this shelter.
137. James Stolvey was sworn in and testified in support of the Application.
138. The Board found that Mr. Stolvey testified that he is the contractor for the Applicant.
139. The Board found that Mr. Stolvey testified that the existing septic system is non-conforming and that the septic can be replaced in the same area as the existing septic and will not encroach on the neighbor's well.
140. The Board found that Mr. Stolvey testified that he questions how Mr. Murphy could be receiving lights from vehicles in his bedroom when the house has been vacant for over a year.

141. The Board found that Mr. Stolvey testified that he has no objection to Home of the Brave residents and would welcome them to his neighborhood.
142. The Board found that Mr. Stolvey testified that the only construction done at this point has been work needed for the sale of the home in the event the application is denied.
143. The Board found that Mr. Stolvey testified that he does not see how the use will substantially adversely affect the uses of neighboring and adjacent properties.
144. The Board found that Ms. Boone testified that their investors, the Department of Veteran Affairs and the Department of Housing and Urban Development monitor the facilities.
145. The Board found that Ms. Boone testified that the Applicant would not receive grants if the Applicant housed more veterans than approved.
146. The Board found that Ms. Boone testified that residents failing drug tests are relocated rather than put out on the street.
147. The Board found that Ms. Boone testified that the Applicant was aware a special use exception approval was needed prior to the purchase of the Property.
148. The Board found that twenty six (26) parties appeared in support of the Application.
149. The Board found that twenty six (26) parties appeared in opposition to the Application.
150. The Board tabled its decision the Application until April 1, 2013.
151. On April 1, 2013, the Board discussed the Application at great length.
152. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties. The Board gave the following reasons for its decision:
 - a. The Applicant has a history of providing home for veterans that will not substantially affect adversely the uses of neighboring and adjacent properties.
 - b. The proposed housing is designed for residential use in a residential area.
 - c. The existing dwelling has been unoccupied for over a year and fell into disrepair. The Applicant has taken steps to make improvements to the dwelling and intends to maintain the exterior of the property which will improve the area.
 - d. The Applicant referenced a study which evidences that the proposed housing will have a neutral or positive effect on housing prices in the neighborhood.
 - e. Opposition to the Application did not present any evidence from a realtor or appraiser as to substantial adverse effect to real estate values
 - f. The proposal does not appear to have an adverse effect on traffic in the area.

- g. The Applicant has testified that visitor access to the site will be limited and that residents will be transported by a van for their appointments and daily living.
 - h. The Applicant's contractor testified that improvements have been made to the dwelling and the septic system would be placed in the same location as the existing septic system.
 - i. No signage will be located outside the Property to note its usage.
 - j. The residents of the home will be required to follow certain rules and regulations and will be discharged from the home if they fail to adhere to those rules.
 - k. The home will house a maximum of six (6) adult female veterans and no more than eight (8) total persons not including staff members.
153. As part of its approval the Board placed the following conditions:
- a. The approval is granted for a period of two (2) years.
 - b. No more than six (6) adult female veterans and no more than eight (8) total persons, not including staff members, may reside in the dwelling at any given time.

The Board granted the special use exception application for a period of two (2) years with the conditions stated herein finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was granted for a period of two (2) years with the conditions stated herein. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, and Mr. Norman Rickard. Mr. John Mills and Mr. Brent Workman voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Dale Callaway
Chairman

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: THE HOME OF THE BRAVE FOUNDATION, INC.

(Case No. 11168)

A hearing was held after due notice on March 4, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception for a women's veteran facility.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for a women's veteran facility. This application pertains to certain real property located east of Road 633 (Griffith Lake Drive) approximately 440 feet north of Road 620 (Abbotts Pond Road); said property being identified as Sussex County Tax Map Parcel Number 1-30-2.00-13.20. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received an email in opposition to the Application.
2. Linda Boone, Chair of the Board of Directors of the Home of the Brave Foundation, Inc., was sworn in to testify on behalf of the Application.
3. The Board found that Ms. Boone testified that the Home of the Brave has serviced the area since 1992.
4. The Board found that Ms. Boone testified that female veterans make up five percent (5%) of the nation's homeless veterans.
5. The Board found that Ms. Boone testified that residents of Home of the Brave must meet certain qualifications in order to reside in the shelter including: that the resident be honorably discharged from the military, that the veteran must meet the homeless standard, and that the veteran must be open to living in a group environment.
6. The Board found that Ms. Boone testified that residents are admitted as space is made available.
7. The Board found that Ms. Boone testified that one in five female veterans experience Military Sexual Trauma and that one in five female veterans suffer from Post-Traumatic Stress Disorder, which leads to increased substance abuse and homelessness.
8. The Board found that Ms. Boone testified that one in five of post-September 11 female veterans are unemployed.
9. The Board found that Ms. Boone testified that the Home of the Brave is a nonprofit organization founded by eight Vietnam combat veterans.
10. The Board found that Ms. Boone testified that the average stay at the Home of the Brave is approximately six (6) to nine (9) months and that the maximum stay is twenty four (24) months.
11. The Board found that Ms. Boone testified that the average age of the veterans participating in the program has been from 51 to 61 years of age.
12. The Board found that Ms. Boone testified that the majority of the veterans coming to the program have been due to economic situations.
13. The Board found that Ms. Boone testified that veterans have to be clean and sober for a minimum of thirty (30) days before they can apply for admission to the program.

14. The Board found that Ms. Boone testified that the goal is to discharge the veterans to permanent housing and to eliminate the barriers which led them to homelessness.
15. The Board found that Ms. Boone testified that veterans sign a contract when entering the program and agree to and must follow the rules in order to stay in the program.
16. The Board found that Ms. Boone testified that residents who fail to follow the rules are discharged from the facility.
17. The Board found that Ms. Boone testified that they currently have a sixty seven percent (67%) success rate.
18. The Board found that Ms. Boone testified that case plans are developed for each resident.
19. The Board found that Ms. Boone testified that the Home of the Brave is a transitional living facility and is not a shelter.
20. The Board found that Ms. Boone testified that the majority of the residents are Delaware residents and that twelve (12) of the fifteen (15) residents at the Applicant's other location are Delaware residents.
21. The Board found that Ms. Boone testified that residents are regularly drug tested and that they do not accept any applicants with potential or high probability of criminal activity.
22. The Board found that Ms. Boone testified that the facility will have staff coverage 24 hours a day, 7 days a week.
23. The Board found that Ms. Boone testified that the residents are required to adhere to curfew schedules, signing in and out, performing assigned daily chores, and working on individual plans to move them to independent living.
24. The Board found that Ms. Boone testified that the facility would not lead to a drop in property values of adjacent properties.
25. The Board found that Ms. Boone testified that the proposed location has been vacant for over a year and has not been maintained.
26. The Board found that Ms. Boone testified that the Home of the Brave has high standards for appearance and maintenance of their properties and that some repairs and renovations have already been made to the home.
27. The Board found that Ms. Boone testified that, once they obtain approval from the Board, a plan for major renovations will be implemented which will include the construction of a larger septic system, a fire safety system, a new water heater, landscape improvements, and bathroom renovation.
28. The Board found that Ms. Boone testified that there is no empirical evidence that supports a theory that property values will be decreased.
29. The Board found that Ms. Boone testified that a recent study from Dr. Kevin Gillen from the University of Pennsylvania showed that in two-thirds of the cases the impact of subsidized housing in Delaware was neutral or positive because of the design of the house and its management of the facility.
30. The Board found that Ms. Boone testified that a study in Philadelphia showed that property values increased by 6.8% when a well-run homeless facility was in the neighborhood.
31. The Board found that Ms. Boone testified that financial audits have met and often exceeded national nonprofit benchmarks.
32. The Board found that Ms. Boone testified that the Board of Directors meets monthly to review the management of the facility and its finances and that in 2012 they had over 250 cash contributors and an additional 300 supporters who donated food and housing items.
33. The Board found that Ms. Boone testified that there will not be a roadside sign on the Property and there will be a sign on the front door noting visitors need an appointment.

34. The Board found that Ms. Boone testified that they are trying to limit visitor access and will require that visitors make an appointment.
35. The Board found that Ms. Boone testified that the visitor policy will differ from the Applicant's other location on Sharps Road.
36. The Board found that Ms. Boone testified that all donations will be accepted at the Sharps Road location.
37. The Board found that Ms. Boone testified that they will provide contact numbers for the neighbors to report concerns and ask questions and that they welcome a neighborhood representative to be a part of the Women's Program Advisory Committee which provides advice to the Board of Directors.
38. The Board found that Ms. Boone testified that most residents need help finding employment.
39. The Board found that Ms. Boone testified that residents are transported to appointments and for shopping by the Applicant via the Applicant's van.
40. The Board found that Ms. Boone testified that collocating genders is not permitted by the Veterans Association.
41. The Board found that Ms. Boone testified that a maximum of six (6) adult women will stay at the home and that the staff is familiar with dealing with children.
42. The Board found that Ms. Boone testified that the Applicant wants to review how many children would be able to live in residence and what services would be provided to those children.
43. The Board found that Ms. Boone testified that the number of children is unknown at this time.
44. The Board found that Ms. Boone testified that large activities will not be held at this location.
45. The Board found that Ms. Boone testified that the facility on Sharps Road has been open since May 1996 and there have been no problems.
46. The Board found that Ms. Boone submitted a packet of exhibits regarding the Application to the Board.
47. The Board found that Mike Rowe was sworn in and testified in support of the Application.
48. The Board found that Mr. Rowe testified that he works for People's Place and is the program director for the veteran's outreach program.
49. The Board found that Mr. Rowe testified that the proposal will help homeless veteran women and their children.
50. The Board found that Mr. Rowe testified that most homeless female veterans are homeless due to their economic situation and that the Applicant helps individuals get back on their feet.
51. The Board found that Mr. Rowe testified that women veterans have more trouble finding housing and jobs.
52. The Board found that Mr. Rowe testified that People's Place provides transportation for the veterans.
53. The Board found that Mr. Rowe testified that female veterans may have been victims of Military Sexual Trauma and that the Applicant provides those veterans with the help they need to improve their lives and not just a place to stay.
54. The Board found that Mr. Rowe testified that fire and police services would serve the residence in the same way as if the house was used as a single family residence.
55. The Board found that Robert Clauser was sworn in and testified in support of the Application.
56. The Board found that Mr. Clauser testified that he serves as a commissioner for the Delaware Department of Veteran's Affairs.
57. The Board found that Mr. Clauser testified that this Property has been vacant and in need of serious repair.

58. The Board found that Mr. Clauser testified that after inspecting the site and realizing the number of bedrooms available it was decided to be an ideal location for the Home of the Brave as the house has five (5) bedrooms and 4 ½ bathrooms.
59. The Board found that Mr. Clauser testified that our veterans are sent to war and come home to no support.
60. The Board found that Mr. Clauser testified that urban areas do not work for this type of facility and that there are no services to help the veterans in the urban area.
61. The Board found that Mr. Clauser testified that someone just built a house across the street from the other Home of the Brave location for \$750,000.00.
62. The Board found that Albert Weir was sworn in and testified in support of the Application.
63. The Board found that Mr. Weir testified that he is with the State Commission of Veteran Affairs and that the veteran organizations support this Application.
64. The Board found that Mark Gaglione, Amanda Gaglione, and David Murphy were sworn in to testify in opposition to the Application. Tim Willard, Esquire, appeared on behalf of Mark Gaglione, Amanda Gaglione, and David Murphy.
65. The Board found that Mr. Willard stated that his clients are opposed to the location of the facility and that the use will substantially adversely affect the neighboring and adjacent properties.
66. The Board found that Mr. Willard stated that the neighbors are concerned about the vagueness of the Application and about the effect of including children in the facility.
67. The Board found that Mr. Willard stated that the Applicant has presented that residents will receive outpatient care from the Department of Veteran's Affairs.
68. The Board found that Mr. Willard stated that a transitional home is not clearly defined in the Planning & Zoning Ordinance and that the Application has been submitted as a special use exception for a convalescent home but this use is not a convalescent home because there is no regular nursing care being provided on the Property.
69. The Board found that Mr. Willard stated that a similar application was granted in the Bridgeville area where children would also be residing but there were major differences between that application and this Application.
70. The Board found that Mr. Willard stated that the Bridgeville home was located on a large piece of property just outside the town of Bridgeville, that the home was located a good distance from the road and that permanent and full-time nursing staff would be located on site.
71. The Board found that Mr. Willard stated that there is no evidence to the age of the children that may stay at the home with their mothers.
72. The Board found that Mr. Willard stated that there is a big difference to a transitional home when children are involved.
73. The Board found that Mr. Willard stated that the proposed location is in a tightly knit residential neighborhood several miles outside of Milford.
74. The Board found that Mr. Willard stated that the email read at the beginning of the hearing well-articulated concerns of neighbors.
75. The Board found that Mr. Willard stated that fire and police services are located miles away from the residence and that there is no public transportation in the area.
76. The Board found that Mr. Willard stated that the opposition feels the transitional home should be located within town limits and that there would be more services available in a town setting.
77. The Board found that Mr. Willard stated that the increased number of people living in the home will increase the traffic, trash, and septic and well use.

78. The Board found that Mr. Willard stated that there is a potential of six (6) families living on a property designed for single-family residence.
79. The Board found that Mr. Willard stated that most transitional homes in this region are located in or near town centers.
80. The Board found that Mr. Willard stated that property values in the area will decrease due to the location of the proposed transitional housing.
81. The Board found that Mr. Willard stated that he does not have any evidence to support the claim that the property values will decrease.
82. The Board found that Mr. Willard stated that it is difficult to prove substantial adverse effect to the neighborhood when it hasn't happened yet.
83. The Board found that Mr. Willard presented to the Board a packet of exhibits and a petition of sixty six (66) individuals who oppose the Application.
84. The Board found that Ms. Gaglione testified that she supports the cause and has veteran family members.
85. The Board found that Ms. Gaglione testified that she and her husband purchased property in this area for a quiet place to live and raise their children.
86. The Board found that Ms. Gaglione testified that her children like to play outside and she has concerns the home will bring more strangers to the area.
87. The Board found that Ms. Gaglione testified that her children have expressed concerns about the home as well.
88. The Board found that Ms. Gaglione testified that there is no sidewalk in the area and it could create some safety concerns.
89. The Board found that Ms. Gaglione testified that it was stated that women could not collocate on the Sharp Road property with the men, which concerns her because she has three (3) sons.
90. The Board found that Ms. Gaglione testified that there are other homes in the Milford area she feels are much better suited for this use.
91. The Board found that Ms. Gaglione testified that the other homes are in town and also near parks.
92. The Board found that Ms. Gaglione testified that she spoke with a realtor who told her that property values will decrease due to the placement of the transitional facility.
93. The Board found that Ms. Gaglione testified that the effect to property values can be determined since most transitional homes are in an urban area and not near a neighborhood like hers.
94. The Board found that Ms. Gaglione testified that she has concerns about increased traffic.
95. The Board found that Ms. Gaglione testified that her home is right next door to the facility.
96. The Board found that Ms. Gaglione testified that she has four (4) bedrooms in her house.
97. The Board found that Ms. Gaglione testified that the Applicant's property foreclosed on and sat vacant for some time and that her husband and other neighbor mowed the lawn on the Property.
98. The Board found that Ms. Gaglione testified that some areas of the Applicant's dwelling were in disrepair from the prior owner.
99. The Board found that Ms. Gaglione testified that the dwelling has private water and septic and is concerned how this facility will affect her well and septic.
100. The Board found that Ms. Gaglione testified that she does not know if she shares an aquifer with the Property.
101. The Board found that Ms. Gaglione confirmed the statements by Mr. Willard.
102. The Board found that Mr. Murphy testified that he lives across the street from the proposed veterans' home and that the use will alter the character of the quiet country atmosphere.

103. The Board found that Mr. Murphy testified that there will be increased traffic to the area due to the facility and that the density of the home from a single-family to a multi-family use concerns him.
104. The Board found that Mr. Murphy testified that there are no businesses located near the Property.
105. The Board found that Mr. Murphy testified that he wants to know who will supervise the children and what credentials the staff possess.
106. The Board found that Mr. Murphy testified that he is concerned about unsupervised children being on his property.
107. The Board found that Mr. Murphy testified that there are many questions about the facility which have not been answered.
108. The Board found that Mr. Murphy testified that lights from vehicles moving in and out of the Property flash into his bedroom.
109. The Board found that Mr. Murphy testified that there is nothing in the neighborhood for the children.
110. The Board found that Mr. Murphy testified that he feels the home should be within walking distance of schools, parks, stores and hospitals.
111. The Board found that Mr. Murphy testified that he is a former code enforcement officer and that he has experience with homeless shelters that have overcrowding problems.
112. The Board found that Mr. Murphy testified that the existence of the veteran's home will dissuade potential purchasers from buying neighboring properties.
113. The Board found that Mr. Murphy testified that he would still object to the Application even if children were not allowed to live on the Property.
114. The Board found that Mr. Murphy testified that he has concerns about the effect of the facility on septic and well systems.
115. The Board found that Mr. Murphy testified that the Fire Marshal will require major renovations to the structure if this Application was approved.
116. The Board found that Mr. Murphy testified that he feels the use will substantially adversely affect the neighboring and adjacent properties.
117. The Board found that Mr. Gaglione testified that he is opposed to a shelter for both adults and children and that he has not found any neighbors that support this Application.
118. The Board found that Mr. Gaglione testified that he agrees with his neighbors as to the reasons he opposes the Application.
119. The Board found that Mr. Gaglione testified that a common sense approach dictates the affect a shelter will have for property values.
120. The Board found that Mr. Gaglione testified that he feels it is easy to support a shelter when it is not in your neighborhood but that he lives fifty (50) feet from the proposed facility.
121. The Board found that Mr. Gaglione testified that he is a veteran.
122. The Board found that Vernon Hood and Janna Hobd were sworn in and testified in opposition to the Application.
123. The Board found that Janna Hood testified that they own the property adjacent to the proposed shelter and that she is concerned about the effect of a larger septic system being placed on the Property because it would require a distance of 100 feet from neighboring wells and that the lots are only 150 feet wide.
124. The Board found that Vernon Hood testified that he designs septic systems and feels the Property is not large enough to support a septic system needed for that amount of people and that the septic will need to be 150 feet from the well.
125. The Board found that Janna Hood testified that the Department of Natural Resources and Environmental Control approves systems based on the number of bedrooms.

126. The Board found that Vernon Hood testified that the location is very different from the Sharps Road location and the neighborhood is very different and that he feels this is the wrong location for the shelter.
127. The Board found that Karen Temple was sworn in and testified in opposition to the Application.
128. The Board found that Ms. Temple testified that she volunteers at a homeless shelter in Dover and that a 67% success rate is not successful.
129. The Board found that Ms. Temple testified that that she is concerned about the veterans that are not successful.
130. The Board found that Ms. Temple questioned where will the veterans go that do not successfully follow the rules.
131. The Board found that Ms. Temple testified that she questions whether there are enough women veterans who are homeless to fill the facility and that helping veterans does not make it a higher quality shelter.
132. The Board found that Dorothy Doneker was sworn in and testified in opposition to the Application.
133. The Board found that Ms. Doneker testified that she lives nearby and that she is concerned for the veterans with addictions and the possible increase in crime to the area.
134. The Board found that Ms. Doneker testified that her son is an addict and that addicts with the best intentions still have trouble overcoming their addictions.
135. The Board found that Ms. Doneker testified that addicts will steal from their own families.
136. The Board found that Ms. Doneker testified that this location is not a good area for this shelter.
137. James Stolvey was sworn in and testified in support of the Application.
138. The Board found that Mr. Stolvey testified that he is the contractor for the Applicant.
139. The Board found that Mr. Stolvey testified that the existing septic system is non-conforming and that the septic can be replaced in the same area as the existing septic and will not encroach on the neighbor's well.
140. The Board found that Mr. Stolvey testified that he questions how Mr. Murphy could be receiving lights from vehicles in his bedroom when the house has been vacant for over a year.
141. The Board found that Mr. Stolvey testified that he has no objection to Home of the Brave residents and would welcome them to his neighborhood.
142. The Board found that Mr. Stolvey testified that the only construction done at this point has been work needed for the sale of the home in the event the application is denied.
143. The Board found that Mr. Stolvey testified that he does not see how the use will substantially adversely affect the uses of neighboring and adjacent properties.
144. The Board found that Ms. Boone testified that their investors, the Department of Veteran Affairs and the Department of Housing and Urban Development monitor the facilities.
145. The Board found that Ms. Boone testified that the Applicant would not receive grants if the Applicant housed more veterans than approved.
146. The Board found that Ms. Boone testified that residents failing drug tests are relocated rather than put out on the street.
147. The Board found that Ms. Boone testified that the Applicant was aware a special use exception approval was needed prior to the purchase of the Property.
148. The Board found that twenty six (26) parties appeared in support of the Application.
149. The Board found that twenty six (26) parties appeared in opposition to the Application.

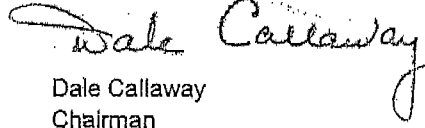
150. The Board tabled its decision the Application until April 1, 2013.
151. On April 1, 2013, the Board discussed the Application at great length.
152. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties. The Board gave the following reasons for its decision:
 - a. The Applicant has a history of providing home for veterans that will not substantially affect adversely the uses of neighboring and adjacent properties.
 - b. The proposed housing is designed for residential use in a residential area.
 - c. The existing dwelling has been unoccupied for over a year and fell into disrepair. The Applicant has taken steps to make improvements to the dwelling and intends to maintain the exterior of the property which will improve the area.
 - d. The Applicant referenced a study which evidences that the proposed housing will have a neutral or positive effect on housing prices in the neighborhood.
 - e. Opposition to the Application did not present any evidence from a realtor or appraiser as to substantial adverse effect to real estate values.
 - f. The proposal does not appear to have an adverse effect on traffic in the area.
 - g. The Applicant has testified that visitor access to the site will be limited and that residents will be transported by a van for their appointments and daily living.
 - h. The Applicant's contractor testified that improvements have been made to the dwelling and the septic system would be placed in the same location as the existing septic system.
 - i. No signage will be located outside the Property to note its usage.
 - j. The residents of the home will be required to follow certain rules and regulations and will be discharged from the home if they fail to adhere to those rules.
 - k. The home will house a maximum of six (6) adult female veterans and no more than eight (8) total persons not including staff members.
153. As part of its approval the Board placed the following conditions:
 - a. The approval is granted for a period of two (2) years.
 - b. No more than six (6) adult female veterans and no more than eight (8) total persons, not including staff members, may reside in the dwelling at any given time.

The Board granted the special use exception application for a period of two (2) years with the conditions stated herein finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was granted for a period of two (2) years with the conditions stated herein. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, and Mr. Norman Rickard. Mr. John Mills and Mr. Brent Workman voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date May 7, 2013